

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
January 17, 2006**

Present: Commissioners Lythgoe, Notbohm and Weber; Ben Sautter, Road Supervisor; Megan Bullock, Sanitarian; Rod Caldwell, USGS; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Ed McCauley

REPORTS

Receipt of December cash report from Treasurer.

Receipt of December expense and revenue reports from Clerk and Recorder.

CALENDAR REVIEW

- 1/18 & 19 MACo Risk Management meeting - Fairmont
- 1/19 Meeting regarding Montana Tunnels - 3:00
- 1 /21 CSA Congress - Helena - all day
- 1 /23 Golden Triangle - Great Falls - 10:00

COMMISSION REPORTS

DEQ MEETING REGARDING POTENTIAL CHANGE TO ARM

Commissioner Lythgoe reported that the Commissioners attended a meeting hosted by DEQ the previous Tuesday morning, regarding a proposed change to the A.R.M. He stated that there was one proponent, and over 70 opponents to the change. However, from the reports he saw on television and in the newspaper, the meeting held in Fort Belknap was just the opposite.

Commissioner Notbohm stated that rumor has it that several that sit on the board also belong to MEIC, and asked if the others knew if this was true. Commissioner Lythgoe stated that he is not sure, but knows that there is at least one. Commissioner Weber stated that Richard Oppen, head of DEQ came out in the paper stating that people have a right to belong to both. Commissioner Notbohm stated that this is somewhat different issue, but when they attended a meeting in September regarding the backfill issue at Golden Sunlight, a commitment was made that they would have a decision by the end of December. They still have heard nothing, and he questioned if a letter was in order. Commissioner Weber stated that this was brought up at the CTAC meeting, and they now hope to have a ruling by March. Commissioner Lythgoe stated that he

hasn't pushed the issue, because it doesn't want to tick anyone off. He asked if there was any comment at the CTAC meeting. Commissioner Weber stated that they are following this closely. Apparently, they are still reviewing all of the comments. Commissioner Lythgoe asked if the Commission wish to contact Mr. Opper. Commissioner Notbohm suggested that Commissioner Weber contact Golden Sunlight to see if they would like the Commission to pursue this. Commissioner Weber stated that he would do this.

ROTARY

Commissioner Lythgoe reported that he attended the Rotary meeting in Helena on Wednesday to hear Jan Anderson speak. He stated that Jan did a great job. The response to her talk was good and it was well received. He stated that it was an excellent presentation.

TRI-COUNTY FIRE GROUP

Commissioner Lythgoe reported that the \$15,000 in Title III Funds committed to Tri-Co Fire will be used for mitigation projects in the Basin area.

TSEP GRANT

Commissioner Lythgoe reported that the Commissioners met with Ben that morning to discuss the TSEP grant for bridge maintenance and/or replacement. A priority list has been developed, and Great West will conduct a public meeting during a Commission meeting to present and identify priorities.

CTAC

Commissioner Weber reported on the CTAC meeting held on Wednesday. The hostile take-over of the parent company has become a friendly take-over, and the sale is certain. The concern is with all that CTAC and the JLDC have been working on - the infrastructure transfer, the wind farm and the industrial park - is up in the air at this time. They will be putting together a team to work with the new management. The industrial park is going well, and it may be completed soon. They are currently working on the well. Commissioner Notbohm asked about the status of the lease agreement. Commissioner Weber stated that are trying to get it all sealed up before the sale is finalized so that the project can continue; the wind farm also.

AREA IV ON AGING

Commissioner Notbohm stated that he went to Three Forks on Thursday for an Area IV on Aging meeting. He stated that he will put the paperwork from the meeting through the mail; it shows where the money is going. All of their projects are going well.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

ROD CALDWELL - USGS - DISCUSS AND DECIDE ON FUNDING FOR COST MATCH FOR USGS PROPOSAL FOR WELL TESTING IN JEFFERSON COUNTY

Rod Caldwell stated that he and Commissioner Weber have been discussing conducting a groundwater study for about a year. Recently however, he has learned of several wells that have tested very high for uranium content. The allowable amount is 30 parts-per-billion, and one well

tested at 2000 parts-per-billion. This is an extreme case, as it is close to an old uranium mine, but there are other wells that have also tested high. He is trying to get a proposal together to do some sampling, possibly 10 to 40 wells. He has been calling around to find funding. The USGS can pay 40%. Ron stated he met with DEQ, DPHHS, CDC and two Jefferson County representatives that morning. DPHHS will sample 10 wells, and will also take urine samples from those households. At this point, there will be no cost to Jefferson County, except possibly in personnel. His initial thoughts were to do a water study on quantity first, then quality. The presence of uranium changes this.

Commissioner Weber asked that if they are going to doing the water test from the tap, if lead solder will affect the test. Rod stated that it could, on the lead levels. Jefferson County is in the Boulder Batholith, which contains lots of uranium, so there is a great potential for elevated uranium levels in the water. Commissioner Weber asked Rod when he thought he would have the proposal put together. Rod stated that there is a May deadline for the renewable resources grant, so he would need to have all the information by March. There is also an EPA grant that is due by December. They will also need to decide what to focus on, quality or quantity. Rod stated that personally, he would love to go out and randomly sample for everything, then possibly go back and target specific things. He is also hoping that they will be able to work with a lot of agencies on this. Commissioner Lythgoe stated that he feels that this is something worth pursuing. Megan Bullock, County Sanitarian, stated that she and the public health nurse will update the Health Board on this at the meeting the following week.

DISCUSS AND DECIDE ON RENEWAL OF ELKHORN/HADLEY PARK GRAZING ASSOCIATION LEASE ON CORRALS SOUTH OF BOULDER

Commissioner Weber moved to renew the lease between Jefferson County and the Grazing Association. Commissioner Notbohm seconded. The motion carried.

SIGN PAYMENT AGREEMENT WITH MONTANA TUNNELS

Commissioner Lythgoe stated that Montana Tunnels has completed the terms of the first payment agreement. This agreement is for them to pay \$20,000 a week until their 2005 taxes are paid up. Commissioner Weber moved to enter into the payment agreement with Montana Tunnels. Commissioner Notbohm seconded. The motion carried.

PUBLIC HEARING - PETITION FOR ROAD CLOSURE IN THE MONTANA CITY AREA

Commissioner Lythgoe called the public hearing to order. He stated that the road in question doesn't actually existing, it doesn't go anywhere or access anything. This was made a county road in the early 1900's. The petition has been certified by the Clerk and Recorder. Commissioner Lythgoe then called for comments. Hearing none, he closed the public hearing.

RESOLUTION 04-2006 ORDER TO ABANDON ROAD

The resolution was presented as follows:

RESOLUTION 04-2006

AN ORDER ABANDONING AN UNNAMED COUNTY ROAD

A petition was filed with the Board of County Commissioners of Jefferson County, Montana (hereinafter, the "Board"), by Tom D. And Lee Ann Fenske, Larry and Pam Trettin, and Thomas J. and Katherine L. Tomaskie on the 20th day of December. This petition requested the abandonment of a certain unnamed Jefferson County road in the Montana City area. The description of the subject County road is set forth as follows:

That specific County Road as established in Book 47 at Pages 378 & 379 on May 12, 1919 in the following described property:

30 foot right of way for a County Road, along the North and West Line of the East Half of the East half of the Southwest quarter of the Southeast quarter of Section 11, Township 9, Range 3.

Pursuant to Title 7, Chapter 14, Part 26, MCA, the Board made a preliminary review of the subject Petition. The Board found that the petition was submitted by all of the landowners affected by the street petitioned to be closed within Jefferson County and found that said petition described the particular street or portions thereof to be abandoned, the general route thereof, and the lands and owners affected by the proposed abandonment.

The Board further determined that the consent of the owners of the affected lands was endorsed upon the Petition by their execution of the same and that the Petition set forth the necessity for an advantage of the petitioned action.

Therefore, the Board ordered that the feasibility, desirability, and cost of granting the prayer of the Petition, and the merits or demerits of the proposed abandonment be investigated. In this regard, the Board appointed Commissioner Lythgoe and Ben Sautter, Road Supervisor, to conduct the investigation. On January 17, 2006, Commissioner Lythgoe and Ben Sautter reported that they investigated the merits of the petition and recommended that the petition be granted.

The Board considered the Petition and the findings of Commissioner Lythgoe's and Ben Sautter's investigation. Commissioner Lythgoe moved to approve the closure of said road, hereinafter described:

That specific County Road as established in Book 47 at Pages 378 & 379 on May 12, 1919 in the following described property:

30 foot right of way for a County Road, along the North and West Line of the East Half of the East half of the Southwest quarter of the Southeast quarter of Section 11, Township 9, Range 3.

The Board found that the granting of the relief sought in the Petition was in the best interest of the County, was both feasible and desirable for the use and benefit of the public, would not cause any increase in costs to the public, and could be done without detriment to the public interest.

Upon such basis, the Board determined that the Petition should be granted and that an appropriate Order should be entered.

Therefore **IT IS HEREBY ORDERED** as follows:

1. That the Petition of Tom D. And Lee Ann Fenske, Larry and Pam Trettin, and Thomas J. and Katherine L. Tomaskie is hereby granted subject to the following conditions:

a) that the Petitioners recognize that no owner shall ever claim or attempt to claim that any portion of said road constitutes a “lot” or “parcel”, distinct from the owners adjoining lot or property, upon which the separate residence or structure requiring water and sewer facilities can be constructed, and;

b) that any utility easements now existing on the right-of-way will be continued unaltered and that access by utility company employees for the maintenance of the equipment shall be allowed, and;

c) that Jefferson County shall retain full utility right, if any.

2. That the portion of the said Jefferson County road which is abandoned by this Order is more particularly described as:

That specific County Road as established in Book 47 at Pages 378 & 379 on May 12, 1919 in the following described property:

30 foot right of way for a County Road, along the North and West Line of the East Half of the East half of the Southwest quarter of the Southeast quarter of Section 11, Township 9, Range 3.

DATED this 17th day of January, 2006.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Notbohm moved to adopt the resolution. Commissioner Weber seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER